

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

KOGAP Enterprises, Inc.,
an Oregon Corporation

Case No. 1:22-cv-01468-CL

Plaintiff,

v.

OPINION AND ORDER

CITY OF MEDFORD,

Defendant.

CLARKE, Magistrate Judge

Plaintiff KOGAP Enterprises Inc., (“KOGAP”) brings this cause of action against the defendant, the City of Medford (“the City”), alleging an unconstitutional taking under state and federal law, arising out of a series of land use proceedings. Full consent to magistrate jurisdiction was entered on September 29, 2023. (#33). The parties have briefed and argued cross-motions for summary judgment, which are now under advisement. The subject of this Order, however, is a Motion to Correct the Summary Judgment Record (#53), filed by Plaintiff KOGAP.

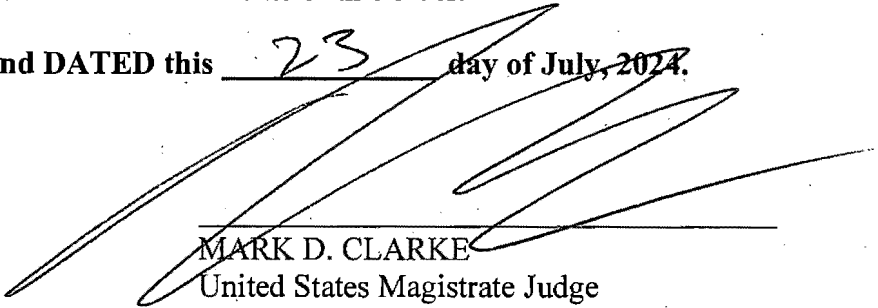
Plaintiff claims that, at the oral argument hearing on the cross motions for summary judgment, counsel for the City made a misstatement to the Court about the record regarding the planned drive-thru restaurant, Panera, on the site at issue in the case. After reviewing Plaintiff’s motion and the City’s Response (#54), the Court is satisfied that the record is complete on this issue and that counsel for the City did not make any misrepresentations to the Court. Moreover,

under Local Rule 7-1(f)(3), when the parties are briefing summary judgment motions, after a motion, response, and reply are filed, no further briefing is allowed without leave of the Court, other than the briefing allowed under LR 56-1(b). For all of these reasons, Plaintiff KOGAP's motion (#53) and request for an oral argument are denied.

ORDER

Plaintiff's Motion (#53) is DENIED. The parties' cross motions for summary judgment (##36, 37) are taken under advisement as of the date of this order.

It is so ORDERED and DATED this 23 day of July, 2024.



MARK D. CLARKE
United States Magistrate Judge